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February 5, 2019

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Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

**Re: Rio Grande LNG, LLC and Rio Bravo Pipeline Company, LLC
Docket Nos. CP16-454-000 and CP16-455-000**

Dear Ms. Bose:

Rio Grande LNG, LLC and Rio Bravo Pipeline Company, LLC ("RG Developers") hereby submit for filing in the above-referenced dockets a response to comments filed by the Texas Parks and Wildlife Department ("TPWD") that supplements RG Developers' initial response to comments filed concerning the October 12, 2018 Draft Environmental Impact Statement ("DEIS") in Accession No. 20190125-5020. RG Developers also submit herein responses filed today, February 5, 2019, with the U.S. Army Corps of Engineers ("ACOE") in response to comments previously filed with the ACOE related to RG Developers' dredge and fill permit application.

This transmittal letter and a link to the submittal on the FERC's e-library system are being served on the entities on FERC's service lists for the relevant dockets. If you have any questions, please contact me at (202) 778-9014 or david.wochner@klgates.com.

Best regards,



David Wochner
Counsel for Rio Grande LNG, LLC and Rio Bravo Pipeline Company, LLC

cc: Gertrude Johnson (FERC)
Seong-Kook Berry (FERC)
Jennifer McCoy (EDGE)
Louise Holley (EDGE)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 5th day of February 2019.

/s/ Toks A. Arowojolu

Toks A. Arowojolu
Counsel for Rio Grande LNG, LLC

RG Developers Responses to TPWD Comments on the Rio Grande LNG, LLC and Rio Bravo Pipeline, LLC Draft Environmental Impact Statement, RG LNG Project
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TPWD	Page 1	<p>According to this section of the DEIS, as well as Sections 2.1.1.7 and 4.8.2.1, both a temporary and permanent electrical transmission line would be constructed to provide power during construction and operation of the RG LNG Terminal. Two switchyards would also be constructed. The LNG is dependent upon a new, eight-mile-long transmission line being constructed, per Council on Environmental Quality (CEQ) §1508.25 (a)(1), the construction of the transmission line is a connected action and its potential environmental impacts should be discussed in the same impact statement as the LNG.</p> <p>Recommendation: TPWD recommends potential impacts related to the construction of a new transmission line be evaluated and included in the final environmental impact statement (FEIS). Issues to be evaluated should include, but not be limited to, an alternative route analysis, habitat impacts, right-of-way (ROW) requirements, wildlife impacts, use of Avian Power Line Interaction Committee (APLIC) Best Management Practices (BMPs) (e.g., bird flight diverters, line markers) to minimize potential bird-transmission line collisions.</p>	<p>The proposed new AEP transmission line is not a FERC jurisdictional facility. The proposed transmission line will be completed by AEP who will own and operate the line. The AEP grid, including the expansion, is part of the larger integrated transmission system operated by Electric Reliability Council of Texas (ERCOT), the independent system operator for the state of Texas and is within the jurisdiction of the Public Utility Commission of Texas. FERC is only required to consider this non-jurisdictional facility in its cumulative impacts analysis, which it did in Section 4.3 of the DEIS.</p>
TPWD	Page 2	<p>As proposed, a new 1.8 mile long haul road would be constructed between the Port Isabel dredge pile and the Rio Grande LNG Terminal site. Construction of the road would impact 9.4 acres of wetlands and 1.0 acre of open water.</p> <p>Recommendation: TPWD agrees with FERC staff that the construction of the haul road is not an acceptable deviation from the 2013 Wetland and Waterbody Construction and Mitigation Procedures. TPWD recommends that the project implements one of the alternatives developed in the DEIS for accessing the dredge pile.</p>	<p>Based on an evaluation of alternatives for transporting fill material, RG Developers determined that the most practicable alternative for transporting fill material from the Port Isabel dredge pile to the Terminal site is through the use of barges. RG Developers will eliminate the heavy haul road alternative from further consideration and have apprised FERC of this in its December 3, 2018 filing (FERC Docket Accession Number 20181203-5310) with the Commission.</p>
TPWD	Page 2	<p>These sections of the DEIS describe outdoor lighting at Compressor Stations and the LNG Terminal. As proposed, lighting would be downward or directionally placed to minimize impacts on birds. Additionally, at the Terminal, lighting may be dimmed, turned off or use colors in consideration of wildlife.</p> <p>Recommendation: TPWD appreciates the proposed measures to reduce potential impacts of artificial night lighting at above ground facilities associated with the Rio Grande LNG and Rio Bravo Pipeline projects. To further minimize potential impacts associated with night lighting, TPWD recommends that down-shielded light fixtures should be mounted as low as possible to reduce the amount of glare and light visible to animals in the area and that security lights be motion or heat activated so they are on only when necessary. Also, recent research has indicated that the use of LED lighting in outdoor applications may increase potential negative impacts to wildlife. In general, using bulbs with long wavelengths (e.g., amber) that is the lowest possible lighting level consistent with human safety further reduces potential negative impacts to wildlife. Light emitted at 589 nanometers (nm) has been determined to provide effective vision for humans while minimizing the amount of interference with some nocturnal animals. If LED lights must be used, TPWD recommends dimming them if possible and having them turn off for a portion of the night (e.g., midnight until 5 AM). Also, if full-spectrum LED lighting is required, the lowest possible color temperature is recommended (Longcore and Rich 2016).</p>	<p>The Terminal site will feature downshield lighting and motion sensor lighting where feasible. Lighting will be minimized at the site, while balancing safety and security requirements during the operation of the Terminal. If LED lights are used, they will be dimmed if possible and the lowest possible color temperature will be used within the parameters of safe operations of the terminal. RG Developers will provide TPWD the Terminal’s lighting plan and will update TPWD as lighting details are developed further.</p>
TPWD	Page 3	<p>Page 2-43 of the DEIS states that trees or other woody debris would be chipped, burned, or disposed of offsite.</p> <p>Recommendation: In order to provide cover and nesting habitat for wildlife and to replace habitat lost due to clearing trees in the pipeline ROWs or easements, TPWD recommends, with landowner consent, that any large trees or shrubs removed from the ROW or easements should be used to construct brush piles outside of the cleared ROW.</p>	<p>RG Developers will only impact lands that are identified within the proposed Project footprint and being evaluated by FERC. Therefore, any potential placement of brush inside or outside of the Project footprint would require the evaluation and approval of FERC prior to any such action.</p> <p>As per the Project-Specific Plan, “<i>The RG Developers will identify locations for the regular collection, containment, and disposal of excess construction materials and debris (e.g., timber, slash, mats, garbage, and drill cuttings and fluids) throughout the construction process. Disposal of materials is subject to compliance with all applicable federal, state, and local laws and permit requirements.</i>” The current proposed vegetation management program for the Pipeline System, does</p>

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			not include the establishment of brush piles inside or outside of the currently proposed footprint of the Pipeline System. The Project-Specific Upland Erosion Control, Revegetation, and Maintenance Plan Revision 4 (Project-Specific Plan) was submitted to FERC on November 11, 2017 (FERC Docket Accession Number 20171117-5156).
TPWD	Page 3	<p>Cleanup and restoration throughout the project would include revegetation "in accordance with the Project-specific Plan, Procedures, NRCS and county conservation district reseeding recommendations, and landowner requirements." Throughout the Draft EIS, revegetation is described as an activity that will "be allowed" revegetate or "revert to" (e.g., Page 2-48, 4-79, 4-123).</p> <p>Recommendation: TPWD recommends all revegetation efforts be actively managed; i.e., not relying on revegetation to occur on its own. Allowing areas to revegetate on their own often results in the establishment of undesirable introduced and/or invasive species.</p> <p>TPWD recommends revegetation efforts consist of locally adapted native species of herbaceous vegetation as well as shrubs and trees for riparian restoration. Additionally, due to significant declines in the population of migrating monarch butterflies (<i>Danaus plexippus</i>) there is widespread concern about this species and the long-term persistence of the North American monarch migration. As part of an international conservation effort, TPWD has developed a Texas Monarch and Native Pollinator Conservation Plan. One of the broad categories of action in the plan is to augment larval feeding and adult nectaring opportunities. The plan is available on TPWD's website.</p> <p>For disturbed sites within the monarch migration corridor and for revegetation opportunities in pipeline ROWs, TPWD recommends revegetation efforts include planting or seeding native milkweed (<i>Asclepias</i> spp.) and nectar plants as project funding and seed availability allow. Where appropriate and sustainable, TPWD recommends landscaping plans incorporate monarch-friendly plants. Information about monarch biology, migration, and butterfly gardening can be found on the Monarch Watch website.</p>	The USFWS provided contact information for the Ceasar Kleberg Wildlife Research Institute at Texas A&M University-Kingsville as an additional resource for developing a seed mix specific to the pollinated species, given the Institute’s similar role for the recently constructed Valley Crossing Pipeline. RG Developers will incorporate monarch butterfly friendly plants into the revegetation plan where possible.
TPWD	Page 4	<p>According to the DEIS and in accordance with the 2013 Upland Erosion Control, Revegetation, and Maintenance Plan, Rio Bravo Pipeline would only segregate topsoil in cropland and managed pastures.</p> <p>Recommendation: TPWD recommends topsoil segregation occur throughout the entirety of the pipeline ROW. The Annotated County Lists of Rare Species for counties through which the pipeline would be constructed list over twenty rare plants that could potentially occur in various habitat types throughout the project corridor. Segregating the topsoil throughout the project corridor will ensure that good soil and the native seed bank, potentially including rare species, remains intact and viable rather than being intermixed with subsurface soils or buried too deep to regenerate.</p>	<p>Section 4.2 of the Project-Specific Plan states:</p> <p><i><u>“Unless the landowner or land management agency specifically approves otherwise, RB Pipeline will reasonably prevent mixing topsoil with subsoil by stripping topsoil from the trench and subsoil storage area (ditch plus spoil side method) in:</u></i></p> <p><i><u>a. Cultivated or rotated croplands and managed pastures; and</u></i></p> <p><i><u>b. Other areas, at the landowner’s or land managing agency’s request”</u></i></p> <p>The Project-Specific Plan was submitted to FERC on November 11, 2017 (FERC Docket Accession Number 20171117-5156).</p>
TPWD	Page 4	<p>In this section of the DEIS under, "Waterbody Crossings," RB Pipeline would implement measures in their Project-Specific Wetland and Waterbody Construction and Mitigation Procedures, which vary slightly from the 2013 Wetland and Waterbody Construction and Mitigation Procedures. Per the 2013 Wetland and Waterbody Construction and Mitigation Procedures, construction at waterbody crossings should occur between June 1 and November 30.</p> <p>Recommendation: In South Texas, precipitation amounts typically increase between May and September. Therefore, in order to increase the potential that waterbodies will be dry or have low</p>	<p>For all stream crossings, RG Developers will comply with the Project-Specific Plan and Procedures and the condition of the U.S. Army Corps of Engineers’ Federal Dredge and Fill Permit for the Project.</p> <p>The Project-Specific Plan and Procedures were submitted to FERC on November 11, 2017 (FERC Docket Accession Number 20171117-5156).</p>

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		flow during construction, TPWD recommends that waterbody crossing be scheduled to occur during periods that are typically the driest in south Texas which is November through January. To avoid impacts to fish and wildlife resources, dewatering activities should be coordinated with TPWD when crossings cannot be done "in the dry".	
TPWD	Page 4	<p>In preparation to construct aboveground facilities, areas would be cleared, graded, and compacted. Erosion and sediment controls would be established around perimeters of disturbed areas prior to construction.</p> <p>Recommendation: TPWD recommends that prior to clearing areas, a pre-construction survey for wildlife and rare plants be performed. Any wildlife found in the site, particularly less mobile species such as tortoises that cannot be hazed, should be relocated outside the area of imminent danger. Also, after erosion controls are established around the perimeter of the construction area, the Environmental Inspector (EI) should inspect the inside of the erosion control device (e.g., silt screen, hay bales) for individuals trying to get out.</p>	As per the October 2018 Draft Environmental Impact Statement ([DEIS]; FERC Docket Accession Number 20181012-3019), RG Developers will perform migratory bird, black lace cactus, slender rush-pea, and South Texas Ambrosia surveys prior to construction. The pre-construction migratory bird surveys will comply with the RG Developers’ Migratory Bird and Conservation Plan (FERC Docket Accession number 20161229-5149). As per Section 4.7 of the DEIS, during the construction of the Pipeline System, RG Developers will comply with TPWD’s Texas Tortoise Best Management Practices. Additionally, as per Section 4.6 of the DEIS, RG Developers will conduct preconstruction surveys and hazing at the LNG Terminal property to flush wildlife from the Terminal site prior to completing the fencing.
TPWD	Page 5	<p>Findings and justification for the preferred and proposed site compared to the alternative ones along the BSC are presented in this section. The assessment of alternative sites was based on an initial screening criterion (e.g., land availability with a 1.5-mile buffer and a long-term lease), then it was further evaluated on environmental effects to wetlands and open water (Table 3.3.2-1).</p> <p>It is unclear as to how the analysis for the Alternative Terminal Sites was done. The table shows that two of the five alternative sites were "Not Evaluated" on many of the criteria. Those that did pass the initial screening and affected fewer acres of wetlands, were not evaluated further as a potential alternative site.</p> <p>The applicant eliminated the option of two alternative terminal sites, the South Bank West and North Bank West, based on the criteria of land availability with a 1.5-mile buffer of non-developed land. This is in error as these two sites can provide land that fits the land availability criteria with the desired buffer zone. It is unclear why the proposed terminal site was selected when two LNG facilities (Texas and Annova) hold active leases (Brownsville Navigation District) located within that buffer zone, therefore failing that buffer criteria with any facility or development.</p> <p>Recommendation: Alternatives to the preferred terminal site should be re-evaluated. Once the initial land availability with buffer criteria has been met, then the applicant should prioritize those sites that would avoid and minimize impacts to wetlands and other unique habitats (e.g., lomas) compared to the currently proposed terminal site.</p>	<p>The alternatives analysis conducted by FERC was presented in the October 2018 DEIS (FERC Accession Number 20181012-3019). The alternatives analysis conducted by the RG Developers was submitted to FERC in Resource Report 10: Alternatives of the March 2016 Application (FERC Docket Accession Number 20160505-5179) and in a subsequent supplement to Resource Report 10 (FERC Docket Accession Number 20160630-5259).</p> <p>In Section 5.1.1.4 of the DEIS, FERC stated “<i>We evaluated alternative sites for the LNG Terminal along the Texas coast and along the BSC. Four alternative sites along the Texas coast were identified; however, the sites either lacked a tract size large enough to meet the needs of the Project or lacked a port system that could accommodate the deep draft LNG carriers. Along with the proposed location on the BSC, we reviewed five other sites along the BSC as alternatives. Each alternative site provided access to the deep draft LNG carriers; however, one was not an adequate size for the Project, one was not available for a long-term lease, and the other alternatives affected more resources such as wetlands and special status species. We concluded that these sites would be impractical, and they were eliminated from further consideration.</i>”</p> <p>On December 17, 2018, RG Developers provided the abovementioned supplement to Resource Report 10 to TPWD via email. This supplemental filing contains a detailed description of the criteria that was used for the alternative analysis. This supplemental filing was requested during the December 13, 2018 meeting with TPWD to allow for further clarification of the alternative analysis process.</p>
TPWD	Page 5	<p>As proposed by RB Pipeline, several Additional Temporary Workspaces (ATWS) would be located within ephemeral waterbodies or wetlands. The FERC has determined that locating workspace within these waterbodies is not adequately justified.</p> <p>Comment: TPWD agrees with the FERC's assessment and determination and suggests that workspaces could be relocated to uplands or less sensitive areas.</p>	RG Developers have reviewed the placement of the ATWS-405 in waterbodies SS-T09-002, SST09-003, and SST09-004 (MP 129.7 - 130.5) and ATWS-406 in waterbodies SS-T09-003 and SS-T09-002 (MP 129.9-130.5). Based on the review of the site-specific characteristics at these locations, RB Pipeline has determined that ATWS-405 and ATWS-406 will be eliminated as construction workspace. Therefore, RB Pipeline will not be requesting a variance for the placement of ATWS in waterbodies SS-T09-002, SST09-003, and SST09-004. To document the proposed changes, RG Developers will prepare updated shapefiles of the pipeline workspace, FERC variance tables, Project-Specific Procedures, associated alignment sheets, and impact tables as part of a submittal to FERC in the first quarter of 2019.

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TPWD	Page 6	<p>The applicant proposes to mitigate for the permanent loss of 235.4 acres of wetlands, 51.8 acres of mudflats, and 174.8 acres open water resources through preservation by acquiring and preserving a portion of the Loma Ecological Preserve, located about one mile south of the terminal site across the BSC.</p> <p>Recommendation: The applicant should provide appropriate compensatory mitigation to offset all unavoidable impacts to wetlands, mudflats, and open water affected during the construction and operation of the project. As defined in the USACE/EPA Final Mitigation Rule (April 10, 2008), the mitigation plan should address permittee-responsible mitigation first through restoration, establishment, and/or enhancement, followed by preservation as the last form.</p> <p>Preservation is not a suitable form of mitigation as the proposed preservation area does not appear to be under threat of destruction, adverse modification, nor a site with foreseeable plans for development. Preservation alone would not compensate for the loss of aquatic resources, nor would it achieve the goal of "no net loss" of ecological functions and values.</p>	<p>In 2017, RG Developers conducted an extensive mitigation alternatives analysis to supplement the original July 2016 Conceptual Mitigation Plan for the Rio Grande LNG Project to determine the best alternative to compensate for project-related wetland impacts. The analysis was included as Appendix E of the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018). The mitigation alternatives analysis followed the hierarchical approach presented in the 2008 Compensatory Mitigation Rule (33 CFR Part 332) and evaluated the feasibility of alternative mitigation options in the watershed within which the Terminal is located. Based on this analysis, preservation of the LEP was identified as the preferred mitigation alternative.</p>
TPWD	Page 6	<p>Three lomas occur within the LNG Terminal site and two occur outside of the terminal site that may be affected by the proposed haul road and pipeline. Within the Terminal site, the largest loma would be permanently impacted and the other two would remain unaffected. As currently proposed, the two outside of the Terminal site would be restored after construction.</p> <p>Lomas are unique and rare habitats that develop over long periods of time and occur under very specific conditions in a narrow geographic area. They also have unique vegetation assemblages and animal associations. TPWD is unaware of any successful loma restoration project in the lower Rio Grande Valley.</p> <p>The DEIS states that "impacts on vegetation within the footprint of the Rio Grande LNG Terminal site would be permanent, resulting in a locally significant impact on vegetation cover at that location. However, given the extent of habitat adjacent to the proposed location, including protected land to the north and south of the LNG Terminal site, impacts on upland vegetation, though permanent, would be minor." There is no mention of mitigation for the permanent loss of the 63.9 acres of loma habitat within the LNG terminal site.</p> <p>The significant impacts within the footprint of the terminal site to vegetative upland including lomas, should not be assessed by comparing it to what the adjacent habitat (i.e. protected lands) already provides near the LNG site. With two additional LNG facilities along the BSC and under FERC and USACE review, cumulative impacts pose a threat to existing fish and wildlife habitat where opportunities for development are available.</p> <p>Recommendations: Lomas are formed over long periods of time from wind-blown silt or clay particles originally deposited by flooding of the Rio Grande over tidal flats. Recreating or restoring impacted lomas in the project area may be extremely difficult, if not impossible, to accomplish. TPWD recommends avoiding impacts to the two lomas outside of the Terminal site by using an alternative access to the dredge pile other than the haul road and using HDD to preserve the loma in the pipeline ROW.</p> <p>The applicant should refer to the comments on the analysis of alternative terminal sites and elevate or weight the ranking for the alternative sites that avoid and minimize permanent impacts to these important/unique habitats (e.g., lomas) in and adjacent to South Bay Coastal Preserve.</p>	<p>Based on an evaluation of alternatives for transporting fill material, RG Developers determined that the most practicable alternative for transporting fill material from the Port Isabel dredge pile to the Terminal site is through the use of barges. RG Developers will eliminate the heavy haul road alternative from further consideration and have apprised FERC of this in its December 3, 2018 filing (FERC Docket Accession Number 20181203-5310) with the Commission.</p> <p>The alternatives analysis conducted by FERC was presented in the October 2018 Draft Environmental Impact Statement (FERC Docket Accession Number 20181012-3019). The alternatives analysis conducted by the RG Developers was submitted to FERC in Resource Report 10: Alternatives of the March 2016 Application (FERC Docket Accession Number 20160505-5179) and in a subsequent supplement to Resource Report 10 (FERC Docket Accession Number 20160630-5259).</p> <p>In Section 5.1.1.4 of the DEIS, FERC stated “<i>We evaluated alternative sites for the LNG Terminal along the Texas coast and along the BSC. Four alternative sites along the Texas coast were identified; however, the sites either lacked a tract size large enough to meet the needs of the Project or lacked a port system that could accommodate the deep draft LNG carriers. Along with the proposed location on the BSC, we reviewed five other sites along the BSC as alternatives. Each alternative site provided access to the deep draft LNG carriers; however, one was not an adequate size for the Project, one was not available for a long-term lease, and the other alternatives affected more resources such as wetlands and special status species. We concluded that these sites would be impractical, and they were eliminated from further consideration.</i>”</p>

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TPWD	Page 7	<p>The DEIS states that, "a fencing would be installed around the LNG Terminal to deter wildlife from entering the site after grading begins."</p> <p>Recommendation: The fencing will also prevent wildlife inside the LNG Terminal site from leaving once grading begins. TPWD recommends the inside of the fencing be inspected periodically by the EI for wildlife attempting to leave the area. Observed wildlife should be relocated to a location away from imminent danger.</p>	<p>Additionally, as per Section 4.6 of the October 2018 DEIS (FERC Docket Accession Number 20181012-3019), RG Developers will conduct preconstruction surveys and hazing at the LNG Terminal property to flush wildlife from the Terminal site prior to completing the fencing. The Environmental Inspector will periodically inspect inside of the fencing once it is erected and relocate wildlife as practicable and in accordance with all project issued permits.</p>
		<p>Rio Grande LNG has agreed to conduct pre-construction surveys and hazing at the Terminal site to flush wildlife from the area.</p> <p>Recommendation: TPWD appreciates that pre-construction surveys of the site would occur and notes that not all wildlife will respond to hazing, the Texas tortoise in particular. TPWD recommends the pre-construction survey for tortoises follow survey protocols that are comprehensive enough in design to locate and remove tortoises that would be permanently impacted by clearing the site.</p>	<p>As per the October 20, 2017 email from TPWD (FERC EIR Response No. 53; Accession Number 20171103-5225) <i>“Regarding Texas tortoise relocation, typically, TPWD recommends relocating only if the individual is in imminent danger and can be relocated within its five to ten acre home range or within one mile of its collection location. Research indicates that tortoises do not respond well to “hard release” relocations. If an entire home range will be disturbed, as in the case of the Rio Grande-LNG terminal development, relocation within the home range is not an option. Relocating into adjacent suitable habitat that is already occupied by tortoises can also stress the relocated individual and result in an unsuccessful relocation attempt.</i></p> <p><i>Based on some recent information TPWD has been made aware of regarding tortoise populations in areas near the Rio Grande LNG terminal site, “soft release” relocation of some individuals may be an option that warrants further investigation. TPWD will continue to coordinate with Rio Grande LNG and its consultants to develop a plan to address minimizing potential impacts to the state-listed Texas tortoise.”</i></p> <p>RG Developers will continue to work with TPWD to develop a plan to address minimizing potential impacts to the Texas tortoise was a result of the construction of the Terminal.</p>
TPWD	Page 7	<p>Rio Grande LNG has developed a Migratory Bird Conservation Plan (MBCP) that would be implemented to avoid and/or minimize potential impacts to migratory birds. One proposed measure would establish a buffer of 30-feet around any active nests until the young have fledged.</p> <p>Recommendation: TPWD recommends a buffer of at least 150-feet until the young have fledged or the nest is abandoned.</p>	<p>As stated in the MBCP, RG Developers will establish a buffer of 30-feet around any active nests until the young have fledged.</p>
TPWD	Page 8	<p>RG LNG proposes to dredge 94.3 acres of open water including 68.7 acres within the BSC for the marine offloading facility, marine berths, and turning basin and 14.3 acres of wetlands and mudflats that would be converted to open water for the construction of the above marine facilities. The applicant states that a "significant increase in water flow would affect turbidity or salinity levels during operation, and such an increase would occur in the event that the Bahia Grande channel is expanded" however, plans to avoid and minimize these effects are not mentioned nor is it clear whether hydrodynamic modeling was applied to this specific configuration as it was to the deepening and widening of the BSC and Brazos Santiago Pass. With plans already in place to expand the Bahia Grande channel, TPWD is concerned that the dredging activity from RG LNG will affect oyster habitat and newly established seagrass beds within the restoration site.</p> <p>Recommendation: The applicant should conduct hydrodynamic analyses on the expanded channel of Bahia Grande to assess dredging effects of suspended solids on aquatic resources. Maintaining a barrier like silt curtains while limiting dredging activity to outgoing tides would reduce these types of disturbances. The applicant should incorporate these recommendations and</p>	<p>RG Developers has conducted a hydrodynamic analysis of marine facilities at the Terminal and minimized turbidity impacts from dredging by using efficient cutter suction dredge. The dredged material would be dominated by cohesive clay sediments and would settle within a few hours after dredging. All dredging would be conducted using equipment designed to meet the Texas state water quality standards and in accordance with applicable USACE permit requirements.</p>

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		develop a plan that will mitigate turbidity at the Bahia Grande Wetland Restoration site.	
TPWD	Page 8	<p>As indicated in the DEIS, state-listed amphibians including the black-spotted newt and a number of frog species may be encountered in the project areas, particularly within the pipeline ROW. TPWD appreciates that BMPs, including Rio Bravo Pipeline's Project-Specific Wetland and Waterbody Construction and Mitigation Procedures, would be implemented to minimize potential impacts to amphibians.</p> <p>Recommendation: In addition to implementing the BMPs mentioned above, TPWD recommends contractors receive environmental awareness training and be instructed to avoid negatively impacting any wildlife encountered in the construction area. The state-listed frogs that occur in South Texas breed and multiply quickly following rain events so they may be quite numerous in some areas shortly after a rain event.</p>	RG Developers will provide environmental training material to the contractors and instruct them to avoid negatively impacting any wildlife encountered in the construction area.
TPWD	Page 9	<p>Per RG Developers Procedures, the use of synthetic mesh/netted erosion control material would be restricted in "sensitive wildlife habitat." Sensitive wildlife habitat is not clearly defined in the DEIS. According to Figure 4.6.1-1, sensitive habitat is synonymous with managed wildlife habitats (e.g., state parks, national wildlife refuges, etc.). Ongoing research at Stephen F. Austin State University on the effects of erosion control materials on snakes has indicated that erosion control mats constructed from woven natural fibers are less likely to ensnare wildlife; polypropylene mesh mats that are anchored are more likely to ensnare snakes and other wildlife.</p> <p>Recommendation: Regardless of the location, for soil stabilization and/or revegetation of disturbed areas within the proposed project areas, TPWD recommends using erosion and seed/mulch stabilization materials that avoid entanglement hazards to snakes and other wildlife species. Because the mesh found in many erosion control blankets or mats pose an entanglement hazard to wildlife TPWD recommends the use of no-till drilling, hydromulching and/or hydroseeding rather than erosion control blankets or mats due to a reduced risk to wildlife. If erosion control blankets or mats will be used, the product should contain no netting or contain loosely woven, natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic mesh matting should be avoided.</p>	<p>As stated in the October 2018 DEIS (FERC Docket Accession Number 20181012-3019) at section 4.7, FERC recommends that the RG Developers “<i>avoid use of plastic netting during stabilization of disturbed areas.</i>”</p> <p>Section 4.6.4 of the Project-Specific Plan states that the RG Developers “<i>will not use synthetic monofilament mesh/netted erosion control materials in areas designated as sensitive wildlife habitat, unless the product is specifically designed to minimize harm to wildlife. Erosion control fabric will be anchored with staples or other appropriate devices.</i>”</p> <p>The Project-Specific Plan was submitted to FERC on November 11, 2017 (FERC Docket Accession Number 20171117-5156).</p>
TPWD	Page 9	<p>Rio Bravo Pipeline has committed to implementing TPWD's Texas Tortoise BMPs to assist in avoiding and/or minimizing potential impacts to reptiles in the project area.</p> <p>Recommendation: TPWD appreciates the commitment to implement TPWD BMP's to preserve wildlife resources. Additionally, because all snakes are generally perceived as a threat and killed when encountered during vegetation clearing or construction, TPWD recommends that project plans include comments to inform contractors of the potential for state-listed snakes to occur in the project area. The state-listed snake species that may occur in the project area are non-venomous; contractors should be advised to avoid impacts to these species and other snakes as long as the safety of the workers is not compromised. For the safety of workers and preservation of a natural resource, attempting to catch, relocate and/or kill non-venomous or venomous snakes is discouraged by TPWD. If encountered, snakes should be permitted to safely leave project areas on their own. TPWD encourages construction sites to have a "no kill" policy in</p>	RG Developers will provide environmental training material to the contractors that identify local wildlife and implement a no kill policy regarding wildlife encounters.

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		regard to wildlife encounters.	
TPWD	Page 10	<p>Texas tortoises were observed, in previous surveys of the RG LNG Terminal site. As proposed, a qualified biological monitor would monitor construction activities and move tortoises out of the project area prior to clearing.</p> <p>Recommendation: TPWD appreciates the proposed measures that would be implemented to preserve Texas tortoises known to occur on the terminal site. Please be aware that it will be difficult to detect tortoises in dense thornscrub, such as occurs on Loma del Rincon Chiquito, by casually surveying the area visually. Tortoises are often found near or at the base of prickly pear cactus or in their "pallets," a shallow pan scraped out by the tortoise typically at the base of vegetation. They may also occasionally seek shade by crawling under parked vehicles at construction sites. TPWD recommends that project areas be thoroughly surveyed for tortoises using appropriate survey protocols prior to clearing.</p> <p>Additionally, TPWD recommends that before driving vehicles that have been parked in either the pipeline construction or within the LNG terminal site, contractors should check underneath the vehicles to ensure no tortoises are present.</p>	<p>As per the October 20, 2017 email from TPWD (FERC EIR Response No. 53; Accession Number 20171103-5225) <i>“Regarding Texas tortoise relocation, typically, TPWD recommends relocating only if the individual is in imminent danger and can be relocated within its five to ten acre home range or within one mile of its collection location. Research indicates that tortoises do not respond well to “hard release” relocations. If an entire home range will be disturbed, as in the case of the Rio Grande-LNG terminal development, relocation within the home range is not an option. Relocating into adjacent suitable habitat that is already occupied by tortoises can also stress the relocated individual and result in an unsuccessful relocation attempt.</i></p> <p><i>Based on some recent information TPWD has been made aware of regarding tortoise populations in areas near the Rio Grande LNG terminal site, “soft release” relocation of some individuals may be an option that warrants further investigation. TPWD will continue to coordinate with Rio Grande LNG and its consultants to develop a plan to address minimizing potential impacts to the state-listed Texas tortoise.”</i></p> <p>RG Developers will continue to work with TPWD to develop a plan to address minimizing potential impacts to the Texas tortoise was a result of the construction of the Terminal.</p> <p>Additionally, contractors will be informed to check underneath vehicles to ensure no wildlife are present before operating.</p>
TPWD	Page 10	<p>The cumulative impact analysis lists many proposed development projects that would occur in or near the general area of the RG LNG and Rio Bravo pipeline project.</p> <p>Comment: TPWD is aware of two additional wind energy development proposed by Acciona Energy in Cameron County generally between Farm-to-Market Road (FM) 510 and the Willacy-Cameron County line. Additionally, South Texas Electric Cooperative, Inc. is in the permitting process to construct the Palmas to East Rio Hondo transmission line northeast of Rio Hondo in Cameron County. These developments should be included and evaluated in the cumulative impact section of the Final EIS. In particular, the cumulative impacts of additional transmission lines and aerial obstacles (wind turbines) on resident and migratory birds should be evaluated.</p>	N/A. This comment directed to FERC.
TPWD	Page 10	<p>This section of the cumulative impact analysis states that the majority of the project considered in the cumulative impact analysis are not anticipated to require operational lighting, with the exception of LNG projects and Port of Brownsville Projects. Approximately 100 new wind turbines would be constructed in the general area near the LNG project. To meet Federal Aviation Administration (FAA) requirements for visibility, many, if not all, of the turbines will have flashing lights on the tops of the towers during operation of the wind energy development.</p> <p>Recommendation: The Final EIS should reflect that several large-scale projects in the area do require nighttime lighting during operations.</p>	N/A. This recommendation directed to FERC.
TPWD	Page 11	<p>On page 2-32, regarding the definition of a "spread", the Draft EIS reference Section 2.3.2. The Draft EIS does not contain a Section 2.3.2.</p> <p>Comment: Perhaps this sentence should reference Section 2.2.2.</p>	N/A. This comment directed to FERC.

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EPA	Page 2: P1	No detailed information has been provided regarding alternatives considered, avoidance and minimization of impacts to aquatic habitats, or compensatory mitigation. In addition to specific alternatives evaluated, the applicant should additionally consider combinations of alternatives that may be available. If it has not yet done so, we recommend that the applicant provide information to assist the Corps in making its factual determinations and to help ensure the spirit of the Guidelines are met.	<p>Section 2 of both the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018) and the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018) submitted to the USACE contains an alternatives analysis for each project component. This alternatives analysis was based on the alternatives analysis conducted by the RG Developers and FERC as part of the NEPA review process for the project. The alternatives analysis conducted by FERC was presented in the October 2018 Draft Environmental Impact Statement (FERC Docket Accession Number 20181012-3019). The alternatives analysis conducted by the RG Developers was submitted to FERC in Resource Report 10: Alternatives of the March 2016 Application (FERC Docket Accession Number 20160505-5179) and in a subsequent supplement to Resource Report 10 (FERC Docket Accession Number 20160630-5259). RG Developers’ alternatives analysis evaluated the potential of various project component alternatives to meet the purpose and need of the project. The result of the alternatives analysis indicates that the alternatives to the proposed Terminal Facility and Pipeline System likely would result in impacts similar to or greater than those of the proposed project; therefore, the proposed project is the preferred alternative.</p> <p>RG Developers also conducted an extensive mitigation alternatives analysis for the proposed projects. The mitigation alternatives analysis followed the hierarchical approach presented in the 2008 Mitigation Rule (33 CFR Part 332). This analysis was included as Appendix E in the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018). RG Developers are in the process of revising this analysis based on agency consultation and comments received during the public notice period. The updated mitigation alternatives analysis will be included in the final mitigation plan.</p> <p>Additionally, Section 10 of both Federal Dredge and Fill Applications submitted to the USACE, contains a complete 404(B)1 analysis that provides information necessary for the USACE to make a factual determination.</p>
EPA	Page 2; P2	The EPA strongly recommends the development of a final mitigation plan that contains more detailed information about the proposed mitigation work and requests the Corps provide the public and commenting agencies an opportunity to review.	<p>RG Developers are currently developing the final mitigation plan that will be submitted to the USACE for review. This plan will be consistent with the hierarchical approach presented in the 2008 Mitigation Rule (33 CFR Part 332).</p> <p>The final plan will provide a detailed description of the specific portion of the Loma Ecological Preserve (LEP) that has been selected as the preferred mitigation alternative, as described more fully below. The final plan will be based on the RG Developers’ ongoing consultation with the USACE, USFWS, and other resource agencies.</p>
EPA	Page 3; P1	The EPA recommends that Rio Grande LNG- undertake an exhaustive evaluation of potential mitigation opportunities based on restoration or enhancement prior to limiting mitigation to preservation as the methodology of choice. This evaluation may be a combination of approaches and may consider including out-of-kind or out-of-watershed projects that may be more ecologically desirable than preservation only.	<p>In 2017, RG Developers conducted an extensive mitigation alternatives analysis to supplement the original July 2016 Conceptual Mitigation Plan for the Rio Grande LNG Project to determine the best alternative to compensate for project-related wetland impacts. The analysis was included as Appendix E of the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018). The mitigation alternatives analysis followed the hierarchical approach presented in the 2008 Compensatory Mitigation Rule (33 CFR Part 332) and evaluated the feasibility of alternative mitigation options in the watershed within which the Terminal is located. Based on this analysis, preservation of the LEP was identified as the preferred mitigation alternative.</p> <p>The Mitigation Rule defines preservation as the removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. Furthermore, the regulation states that preservation may be used as compensatory mitigation when 1) the resources to be preserved provide important physical, chemical, or biological functions for the watershed; and 2) the resources to be preserved contribute significantly to the ecological sustainability of the watershed.</p> <p>By way of example, the USACE determined preservation of a portion of the LEP was the appropriate compensatory mitigation strategy to offset the permanent wetland impacts resulting from the development of the SpaceX Launch Site, which is located approximately 5 miles away from the Terminal Site, and therefore, impacts similar types of wetlands to those on the Terminal Site. The USACE in their Environmental Assessment and Statement of Findings for Permit Number SWG-2012-00381 (2014) concluded “<i>that SpaceX has sufficiently demonstrated that the preferred methods and types of compensatory mitigation are not available for the proposed impacts and that sufficient information has been provided to indicate that the preservation site is high quality and under risk of adverse threat from ongoing port operations and future port construction. Therefore, the Corps concludes that the purchase of the preservation site from the Port of Brownsville and conveyance to the USFWS is appropriate and practicable to provide compensatory mitigation for project (SpaceX) impacts.</i>”</p> <p>Preservation of the LEP is consistent with the goals and objectives of the State of Texas and the Interagency Partners. For example, Texas Trustee Implementation Group (Texas TIG) stated in the 2017 Final Restoration Plan/Environmental Assessment: Restoration of Wetlands, Coastal, and</p>

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			<p>Nearshore Habitats; and Oysters that “<i>Habitat preservation is sometimes more effective than restoration at providing high quality natural habitat as other options such as habitat construction require a significant period of time to mature, provide a full suite of services, and reach the same level of services provided by existing natural systems.</i>” Based on this justification the Texas TIG selected the Laguna Atascosa Habitat Acquisition and the Bahia Grande Coastal Corridor Habitat Acquisition as coastal restoration projects for the Bahia Grande watershed included. Preservation as a conservation strategy in the region is also supported by Arroyo Colorado Watershed Partnership (2007), Texas Parks and Wildlife Department (TPWD) (2006), USFWS (1999), the National Research Council (2001), and the Texas General Land Office (2017).</p> <p>RG Developers are in the process of revising this analysis based on agency consultation and comments received during the public notice period. The updated mitigation alternatives analysis will be included in the final mitigation plan. The updated mitigation alternatives analysis and the final mitigation plan are being developed in close consultation with USACE, USFWS, and other resource agencies to determine the most ecologically desirable mitigation opportunities.</p>
EPA	Page 3; P1	If Rio Grande LNG continues to pursue preservation to meet its compensatory mitigation requirements, the EPA recommends the applicant provide robust support for the proposed preservation approach focusing on the requirements of the 2008 Mitigation Rule. Specifically, the applicant would need to satisfy the threat of destruction or adverse modification criteria and address appropriate higher compensation ratios.	RG Developers will provide appropriate documentation in the final mitigation plan to illustrate that any mitigation through preservation is the most appropriate form of mitigation to offset project-related wetland impacts. As noted above, RG Developers mitigation analysis followed the 2008 Compensatory Mitigation Rule and as such, RG Developers will adhere to these requirements in support of its proposed mitigation. RG Developers are currently working with the USACE to identify an appropriate mitigation ratio. RG Developers will continue to coordinate with the USACE and other agencies to discuss adaptive management of the LEP preservation project, to ensure that the proposed management strategy will provide the most efficient and beneficial use of funds and government agency resources.
EPA	Page 3; P2	Furthermore, the EPA recommends that any proposed mitigation plan needs to ensure appropriate site protection, baseline information, maintenance plan, performance standards, monitoring requirements, long-term management plan, adaptive management plan, and financial assurances are included.	<p>As stated above, the 2008 Compensatory Mitigation Rule defines preservation as the removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. The regulations for preservation neither require that a threat be imminent or unregulated to be considered for preservation nor do they require the district engineer to rank alternative compensatory mitigation sites based on threat. Currently, the USFWS’s lease on the LEP expires in 2023 at which time the land will revert to the Port of Brownsville. The Brownsville Navigation District (BND) has a mandate to develop the lands within the Port boundary to facilitate the mission of the Port. This mandate was supported by BND’s letter filed to FERC (FERC Docket Accession Number 20170508-0024) that stated that the BND will continue to evaluate the development of the LEP, as it does with all its land holdings. The BND has already demonstrated the ability and willingness to develop the LEP by terminating a portion of the lease with USFWS in 2015 to support other proposed industrial development.</p> <p>Compensatory mitigation through preservation of the LEP has already been approved by the USACE through the preservation of a 69.125-acre tract of the LEP to offset the permanent wetland impacts resulting from the development of the SpaceX Launch Site. The USACE in their Environmental Assessment and Statement of Findings for Permit Number SWG-2012-00381 (2014) stated that “<i>The proposed [SpaceX] preservation site [the LEP] is an unvegetated tidal flat with coastal prairie uplands and lomas which is owned by the Port of Brownsville and leased under authority of Public Law 103-232 by the USFWS until 2023. In addition to the lease, the USFWS’s December 2013 Fish and Wildlife Coordination Act – Coordination Act Report for the Brazos Island Harbor, TX Channel Improvement Project for a proposed Port of Brownsville expansion project states that the unvegetated tidal flats, which are also in some of the adjacent areas designated piping plover critical habitat, coastal prairie, and vegetated lomas owned by the Port of Brownsville are of special importance to the Service’s trust species. The USFWS further explains in the report that these important areas are a significant feature of the Laguna Madre system and t[USFWS] expressed concern in the report that as the port grows, new and expanded facilities at the port could cause additional pressure on these habitats.</i>”</p> <p>Regarding the LEP, the USACE in their Environmental Assessment and Statement of Findings for Permit Number SWG-2012-00381 (2014) states “<i>While the compensatory mitigation site [the LEP] has not been delineated into discrete sub-ecosystems, a desk review of the site and supporting information from environmental reports associated with the Port of Brownsville provide sufficient information to assure that the [LEP] is of high quality and under risk of adverse affect from port operations.</i>”</p> <p>This approved and implemented mitigation strategy for the SpaceX facility (USACE Permit SWG-2012-00381) indicates that preservation at the LEP is an appropriate and practicable mitigation method for wetland impacts in the watershed. USACE approved the transfer of the approximately 70-acre</p>

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			<p>conservation easement to TPWD on April 19, 2016.</p> <p>The intent of RG Developers’ proposed mitigation is to establish a conservation easement on the LEP so that it would be preserved in perpetuity, thereby eliminating any potential development of the land by the BND. Preservation of the LEP would be consistent with USFWS’s goal of expanding “the network of perpetually conserved lands (via fee acquisition or conservation easement) linking the Rio Grande River Valley with other South Texas coastal ecosystems to establish wildlife corridors that connect to NWR lands” (USFWS 2017). Additionally, preservation of the LEP has a high likelihood of success and will prevent future injury or avoid collateral injury to the adjacent UFWFS and TPWD properties. Both of these benefits meet the objectives outlined by Texas Trustee Implementation Group in the 2017 Final Restoration Plan/Environmental Assessment: Restoration of Wetlands, Coastal, and Nearshore Habitats; and Oysters. Preservation as a conservation strategy in the region is also supported by Arroyo Colorado Watershed Partnership (2007), Texas Parks and Wildlife Department (TPWD) (2006), USFWS (1999), the National Research Council (2001), and the Texas General Land Office (2017).</p>
EPA	Page 3; P2	The EPA recommends that a third-party conservation easement holder, such as an accredited non-profit conservation easement organization, be utilized and recommends the conservation easement holder be identified prior to approval of the mitigation plan and permit issuance.	The final mitigation plan will include a management strategy for the preservation of the LEP. This strategy will detail the ownership and managing party for the LEP. The conservation easement holder will be an independent accredited non-profit conservation easement organization or the USFWS or TPWD. This proposed management strategy is consistent with the approved mitigation for the SpaceX Launch Site (USACE Permit SWG-2012-00381). The USACE approved the transfer of the approximately 70-acre conservation easement on the LEP to TPWD on April 19, 2016, to offset the permanent wetland impacts resulting from the development of the SpaceX facility.
EPA	Page 3; P2	Wetland impacts and details to support functional quality of the wetlands at the impact site and the proposed mitigation site should be verified by the Corps.	<p>With respect to the Terminal Site, RG Developers submitted an Approved Jurisdictional Determination (AJD) request to the USACE in January 2016, for the wetlands and waterbodies at the Terminal Site and supplied supplemental data to the USACE in February 2018. The USACE conducted a site visit on August 25, 2016, to review delineation of the wetlands and waterbodies on the Terminal Site. On March 6, 2016, the USACE Corpus Christi Field Office issued a concurrence letter for the wetlands and waterbody delineation, as presented in the AJD request and issued an AJD. RG Developers conducted a functional assessment for the wetland and mudflats within the Terminal Site, included as Appendix D of the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018).</p> <p>Based on RG Developers’ aerial interpretation of and 2016 site visit to the LEP, the habitat types at the LEP are very similar to the habitat types present on the Terminal Site, and therefore, the functional values for the habitats at the LEP would be similar. The final mitigation plan will identify the specific type and quantity of habitats of the LEP that will be preserved in perpetuity.</p> <p>With respect to the Pipeline System, RG Developers have submitted a Preliminary Jurisdictional Determination (PJD) request to the USACE (November 2016 Rio Bravo Pipeline Wetland Delineation Report and Preliminary Jurisdictional Determination Request that was Appendix A of the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project [February 2017]). RG Developers are currently working with the USACE to finalize the request to verify the wetland delineation line work within the construction footprint of the Pipeline System.</p>
EPA	Page 3; P2	Mitigation plan success criteria and monitoring requirements should be sufficiently robust to ensure the mitigation approach effectively compensates for the significant project wetland impacts.	It is RG Developers’ understanding that success criteria and monitoring requirements are generally reserved for restoration, enhancement, and establishment projects. The LEP habitats are currently functional, and no restoration, enhancement, or establishment activities are proposed. As a result, no success criteria or short-term monitoring requirements are proposed. This is consistent with the conclusions of the approved Wetland Mitigation Plan (Revision 5 September 2013) for the Texas SpaceX Launch Site.

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EPA	Page 3; P2	The EPA recommends the applicant develop a specific itemized budget for the short-term financial assurances, and detailed average annualized long-term management costs and demonstrate that the amount of the proposed long-term funding endowment (not included in the provided mitigation plan) will be adequate to maintain and manage the aquatic resources on the site and defend the conservation easement in perpetuity, considering inflation and any investment fees. The applicant should demonstrate that the endowment fund's investments will yield sufficient funds to continue long-term and/or adaptive management.	RG Developers will continue to coordinate with the USACE and other agencies to discuss adaptive management of the LEP preservation project, to ensure that proposed management strategy will provide the most efficient and beneficial use of funds and government agency resources.
EPA	Page 3; P3	Finally, the applicant should clearly identify impacts to aquatic resources by type and acreage and clarify where compensatory mitigation is being performed for permanent, temporal or conversion losses. The PN states the construction and maintenance of the gas supply pipeline would result in no permanent loss of waters of the U.S., however, it is unclear how these temporary impacts are anticipated to be restored to pre-construction conditions.	<p>Both the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018) and the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018) submitted to the USACE identify impacts to aquatic resources by type and provide acreages of impacts by type. No mitigation is proposed for temporary impacts associated with pipeline construction. For both the Terminal and Pipeline System, RG Developers will mitigate for permanent impacts and conversion impacts to wetlands and waterbodies through the preservation of the LEP.</p> <p>With respect to Pipeline System temporary impacts, RG Developers will restore all affected wetlands, post-construction, by returning the pre-construction contours in compliance with the conditions in Section 4.4 of the October 2018 Draft Environmental Impact Statement (FERC Docket Accession Number 20181012-3019), the Project-Specific Plan and Procedures, and specified conditions in the USACE permit. The Project-Specific Plan and Procedures are included in Appendix D of the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018).</p>
EPA	Page 3; P3	The EPA recommends the applicant identify the duration and activities planned to restore to pre-project functions after the project has been completed. Typically, the threshold for activities to be considered temporary is less than 12 months or a single growing season.	RG Developers will restore all affected wetlands, post-construction, by returning the pre-construction contours and following the Project-Specific Plan and Procedures and the USACE permit. The Project-specific Plan and Procedures are included in Appendix D of the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018).
EPA	Page 3; P4	In summary, the EPA recommends the Corps work with the applicant to enhance the information provided to assist the Corps in determining compliance with the Guidelines.	RG Developers will continue to work with the USACE to ensure project-related impacts are minimized and avoided where possible. Where impacts are unavoidable, RG Developers will continue to work with the USACE to ensure all unavoidable, permanent impacts are mitigated appropriately and addressed in the final mitigation plan.
EPA	Page 3; P4	Additionally, the EPA recommends the Corps work with the applicant to develop a revised comprehensive compensatory mitigation plan at a level of detail commensurate with the scale and scope of the impacts for all unavoidable impacts.	RG Developers are currently drafting the final mitigation plan that will include a comprehensive compensatory mitigation plan at a level of detail commensurate with the scale and scope of the impacts for all unavoidable impacts. The plan will include input from the RG Developers’ ongoing consultation with the USACE, USFWS, and other resource agencies.
USFWS	Page 1; P3	When consultation has been completed with FERC, and where conservation measures to avoid and minimize impacts to federally listed species or critical habitat have been agreed upon, and such measures are within wetlands-and waters of the United States that are regulated by the USACE, the Service anticipates that those measures will be incorporated into an authorized USACE permit.	RG Developers anticipate that USFWS and USACE will collaborate to issue the USACE permit properly reflecting any required conservation measures.

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USFWS	Page 1; P4	The terminology used to describe the habitats within the footprint of the two primary components of the project, the RG LNG facility and the RBP is inconsistent. The permit application needs a summary of the total types and acreages of habitats. Some of the descriptions and quantification of habitat types, as presented in the impact summary on paragraph on page 2 of the application, are insufficiently defined, and other important habitats that are anticipated to be impacted seem to be missing from this section. For example, reference is made to "open land" without clarifying what this term means, particularly with regards to the presence of coastal prairie, an important resource associated with the federally listed Northern aplomado falcon.	<p>Both the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018) and the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018) that were submitted to the USACE identify impacts to upland and wetland habitats by type and provide acreages or mileage of impacts by type.</p> <p>In the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018) this information is provided in Tables 4.1-1, 4.1-2, 4.1-3, 4.2-1, 4.2-2, 5.2-1, and 5.2-2, and Figures 4.1-1 and 5.2-1.</p> <p>In the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018) this information is provided in Tables 4.1-1, 4.1-2, 4.1-3, 4.2-1, 4.2-2, and 5.3-1.</p> <p>RG Developer will submit electronic copies of both the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018) and the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018) to the USFWS for their review.</p>
USFWS	Page 2; P2	The Service recommends that prior to proceeding with additional review of this permit application, the USACE requires the applicant to provide, in a table, a clear accounting of the habitats for the RG LNG facility site, and a clear accounting of the habitats for the RBP including the pipeline's work corridor and access routes. Tabulations for each of these two project components should include: total acres, of each habitat type present; acres of permanent impact to each of the habitat types; acres of temporary impact to each of the habitat types; and acres of each of the habitat types that are proposed to be avoided. The naming convention used for the identified habitat types should be noted and names standardized within the summary. Where a different name needs to be used for a habitat type that does not follow the selected naming convention, a definition for that habitat name should be provided. Additionally, the permit application lacks a figure for the RG LNG facility, and figures, for the RBP that depict the habitats present, particularly the wetland habitats. The Service recommends that these figures be provided for review, and that the habitat descriptions in the legends of those figures match the summary table.	<p>Both the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018) and the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018) that were submitted to the USACE identify impacts to upland and wetland habitats by type and provide acreages or mileage of impacts by type.</p> <p>In the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018) this information is provided in Tables 4.1-1, 4.1-2, 4.1-3, 4.2-1, 4.2-2, 5.2-1, and 5.2-2, and Figures 4.1-1 and 5.2-1.</p> <p>In the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018) this information is provided in Tables 4.1-1, 4.1-2, 4.1-3, 4.2-1, 4.2-2, and 5.3-1.</p> <p>Alignment sheets for the Pipeline System that include the mapped location of all delineated wetlands within the survey corridor for the pipeline were submitted to FERC on November 17, 2017 (FERC Docket Accession 20171117-5156).</p> <p>RG Developer will submit electronic copies of both the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018) and the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018) and alignment sheets to the USFWS for their review.</p>
USFWS	Page 2; P3	The Service is aware that for the RBP, some wetlands within the footprint may not be jurisdictional; however, because some of these wetland types may be associated with federally listed species, the Service requests site-specific information regarding the location of all wetlands.	RG Developers field delineated all wetlands within the Pipeline System footprint where survey access has been granted by the landowners. RG Developers have requested a Preliminary Jurisdictional Determination from the USACE for all wetlands within the Pipeline System construction footprint. RG Developers have assumed that all delineated wetlands within the Pipeline System construction footprint are jurisdictional wetlands. Site-specific information for every wetland delineated is presented in Appendix D of the November 2016 Rio Bravo Pipeline Wetland Delineation Report and Preliminary Jurisdictional Determination Request that was Appendix A of the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (February 2017).
USFWS	Page 2; P3	Therefore, in identifying, quantifying, and depicting wetland habitats on a map, the Service requests that the applicant provide information on all wetland habitats, jurisdictional and non-jurisdictional.	<p>RG Developers delineated all wetlands within the Pipeline System construction footprint and assumed that all delineated wetlands are jurisdictional. The Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018) submitted to the USACE has figures that depict wetland habitats within the Pipeline System footprint.</p> <p>Alignment sheets for the Pipeline System that include the mapped location of all delineated wetland habitats within the survey corridor for the pipeline were submitted to FERC on November 17, 2017 (FERC Docket Accession 20171117-5156).</p>
USFWS	Page 3; List	1. Permit Application SWG-2015-00114 not be authorized as proposed,	[No response necessary.]

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USFWS	Page 3; List	2. The applicant provide a complete table of proposed project habitat impacts,	<p>Both the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018) and the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018) that were submitted to the USACE identify impacts to upland and wetland habitats by type and provide acreages or mileage of impacts by type.</p> <p>In the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018) this information is provided in Tables 4.1-1, 4.1-2, 4.1-3, 4.2-1, 4.2-2, 5.2-1, and 5.2-2, and Figures 4.1-1 and 5.2-1.</p> <p>In the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018) this information is provided in Tables 4.1-1, 4.1-2, 4.1-3, 4.2-1, 4.2-2, and 5.3-1</p> <p>RG Developer will submit electronic copies of both the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018) and the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018) for their review.</p>
USFWS	Page 3; List	3. The applicant provide figures of the RG LNG Facility and the complete RBP Project areas illustrating habitats present, habitats proposed to be impacted, and habitats proposed to be temporarily impacted,	<p>The Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018) includes Figure 4.1-1, which illustrates the habitat types within the Terminal lease boundary. Figure 4.1-1 also depicts the operational boundary of the Terminal. All habitat types within the operational boundary would be permanently altered. Figure 4.1-1 combines all wetland habitat types into a single "wetlands" layer for simplicity. Figure 5.2-1 of the application presents the wetland impacts separated by wetland habitat type at the Terminal Site.</p> <p>Alignment sheets for the Pipeline System that include the mapped location of all delineated wetland and upland habitats within the construction and operational footprint of the Pipeline System were submitted to FERC on November 17, 2017 (FERC Docket Accession 20171117-5156).</p>
USFWS	Page 3; List	4. The applicant submit an alternatives analysis that addresses the sequential assessment of potential mitigative alternatives, how preferred mitigation supports the national goal of no net loss of wetlands, and an instrument for protection of mitigation areas in perpetuity,	<p>RG Developers conducted an extensive mitigation alternatives analysis to determine the best mitigation alternative to compensate for project-related wetland impacts. This analysis followed the hierarchical approach presented in the 2008 Mitigation Rule (33 CFR Part 332). This analysis was included as Appendix E in the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018). RG Developers are in the process of updating this analysis based on agency consultation and comments received during the public notice period. The updated mitigation alternatives analysis will be included in the final mitigation plan. RG Developers will include the site protection method and long-term maintenance plan for the proposed mitigation area in the final mitigation plan.</p>
USFWS	Page 3; List	5. The USACE not proceed with evaluation of a permit for this project until the above information has been provided for review and comment, and	[No response necessary.]
USFWS	Page 3; List	6. Should USACE determine that issuance of a permit for the proposed project is in the public interest, that it delay authorization of a permit for this project until consultation between FERC and the Service has been completed and the findings of that consultation, as appropriate, are incorporated into the issued permit.	[No response necessary.]
TPWD	Page 2; Recomm	The applicant should redo the evaluation for all the alternative terminal sites. Once the initial land availability with buffer criteria has been met, then the applicant should prioritize those sites that would avoid and minimize impacts to wetlands and other unique habitats (e.g., lomas) compared to the currently proposed terminal site.	<p>Section 2 in both the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018) and the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018) submitted to the USACE contains an alternatives analysis for each project component. This alternatives analysis was based on the alternatives analysis conducted by the RG Developers and FERC as part of the NEPA review process for the project. The alternatives analysis took into consideration multiple factors including land availability, distance to populated areas, biological sensitive habitats, proximity to sensitive biological species, road access, and lease duration.</p> <p>The alternatives analysis conducted by FERC was presented in the October 2018 Draft Environmental Impact Statement (FERC Docket Accession Number 20181012-3019). The alternatives analysis conducted by the RG Developers was submitted to FERC in Resource Report 10: Alternatives of the March 2016 Application (FERC Docket Accession Number 20160505-5179) and in a subsequent supplement to Resource Report 10 (FERC Docket Accession Number 20160630-5259).</p>

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TPWD	Page 3; Recomm	The applicant should provide appropriate compensatory mitigation to offset unavoidable impacts which includes the 47.5 acres of wetlands affected during the construction of the project. As defined in the USACE EPA Final Mitigation Rule (April 10, 2008), the mitigation plan should address permittee-responsible mitigation first through restoration, establishment, and enhancement, followed by preservation as the last form.	RG Developers conducted an extensive mitigation alternatives analysis to determine the best mitigation alternative to compensate for project-related wetland impacts. This analysis followed the hierarchical approach presented in the 2008 Mitigation Rule (33 CFR Part 332). This analysis was included as Appendix E of the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018). RG Developers are in the process of updating this analysis based on agency consultation and comments received during the public notice period. The updated mitigation alternatives analysis will be included in the final mitigation plan.
TPWD	Page 3; Recomm	The USACE should field verify the type, location, and amount of each aquatic resource occurring within the project area and within any tract or tracts proposed for compensatory mitigation.	<p>With respect to the Terminal, RG Developers submitted an Approved Jurisdictional Determination (AJD) request to the USACE in January 2016, for the wetlands and waterbodies at the Terminal Site, and then supplied supplemental data to the USACE in February 2018. In March 2018, the USACE concurred with the wetlands and waterbody delineation presented in the AJD request based on observations during a site inspection. RG Developers conducted a functional assessment for the wetland and mudflats within the Terminal Site, included as Appendix D of the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018).</p> <p>Based on RG Developers’ aerial interpretation of and 2016 site visit to the LEP, the habitat types at the LEP are very similar to the habitat types present on the Terminal Site; and therefore, the functional values for the habitats at the LEP are assumed to be relatively similar. The final mitigation plan will identify the specific type and quantity of habitats of the LEP that will be preserved in perpetuity.</p> <p>RG Developers have submitted a Preliminary Jurisdictional Determination (PJD) request to the USACE (November 2016 Rio Bravo Pipeline Wetland Delineation Report and Preliminary Jurisdictional Determination Request that was Appendix A of the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project [February 2017]). RG Developers currently are working with the USACE to finalize the request to verify the wetland delineation line work within the construction footprint of the Pipeline System.</p>
TPWD	Page 3; Recomm	The applicant should refer to the comments on the analysis of alternative terminal sites and elevate or weight the ranking for the alternative sites that avoid and minimize permanent impacts to these important/unique habitats (e.g., lomas) in and adjacent to South Bay Coastal Preserve.	<p>Section 2 of both the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018) and the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018) submitted to the USACE contains an alternatives analysis for each project component. This alternatives analysis was based on the alternatives analysis conducted by the RG Developers and FERC as part of the NEPA review process for the project. The alternatives analysis took into consideration multiple factors including land availability, distance to populated areas, sensitive biological habitats, proximity to sensitive biological species, road access, and lease duration.</p> <p>The alternatives analysis conducted by FERC was presented in the October 2018 Draft Environmental Impact Statement (FERC Docket Accession Number 20181012-3019). The alternatives analysis conducted by the RG Developers was submitted to FERC in Resource Report 10: Alternatives of the March 2016 Application (FERC Docket Accession Number 20160505-5179) and in a subsequent supplement to Resource Report 10 (FERC Docket Accession Number 20160630-5259).</p>
TPWD	Page 3; P4	The applicant should address agency concerns, incorporate the above recommendations to minimize and avoid loss of habitat and develop a mitigation plan that fully and appropriately compensates for the loss of all fish and wildlife resource impacts.	The final mitigation plan will address agency concerns and incorporate recommendations, where feasible, to ensure that the proposed mitigation appropriately compensates for the project-related impacts.
FLANWR; Shane Wilson	Page 1; P4	The Loma Ecological Preserve was leased to the USFWS for preservation in 1983 as a mitigation measure to a channel deepening project that did not move forward. The Port of Brownsville proceeded with the preserve project with the USFWS with a 40 year lease. The FLANWR questions the validity of mitigation proposed by the Applicant, of an established preserve managed by the USFWS for 40 years	USFWS’s lease on the LEP expires in 2023, at which time the land will revert to the Port of Brownsville. The Brownsville Navigation District (BND) has a mandate to develop the lands within the Port boundary to facilitate the mission of the Port. This mandate was supported by BND’s letter filed to FERC (FERC Docket Accession Number 20170508-0024), that stated that the BND will continue to evaluate the development of the LEP, as it does with all its land holdings. The BND has already demonstrated the ability and willingness to develop the LEP by terminating a portion of the lease with USFWS to support other industrial development. Therefore, the proposed mitigation preserves the area in perpetuity.

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FLANWR; Shane Wilson	Page 1; P5	A public hearing is being requested so that FLANWR, and the public, can attain the specifics to the mitigation proposal by the Applicants to include, but not limited to: · Acreage of wetlands being mitigated at the Loma Ecological Preserve · Types of wetlands being mitigated	RG Developers are currently developing the final mitigation plan that will be submitted to the USACE for review. This plan will provide a detailed description of the specific portion of the Loma Ecological Preserve (LEP) that has been selected as the preferred mitigation alternative. The final plan will be based on the RG Developers’ ongoing consultation with the USACE, USFWS, and other resource agencies.

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In addition to FERC's 2013 27 page Wetland and Waterbody Construction & Mitigation Procedures Pocket Guide, FERC's October 2018 16 page Draft Guidance document should be considered as well	RG Developers have reviewed the Federal Energy Regulatory Commission’s (FERC’s) Guidance for Horizontal Directional Drill Monitoring, Inadvertent Return Response, and Contingency Plans (October 2018). RG Developers’ proposed HDD crossing plans are consistent, where feasible, with FERC’s draft guidance. The purposes of the guidance document is to help industry professionals improve the quality and consistency of their HDD plans and, as a result, increase the efficiency and effectiveness of FERC’s environmental review.	John Young
The Corps' and General Land Office's Coastal Texas Protection & Restoration Feasibility Study should be considered to make sure that the pipeline construction complies as much as possible with the Coastal Texas Protection and Restoration goals — especially the October 2018 Draft Environmental Supporting Document for the Coastal Texas Protection And Restoration Study	<p>RG Developers designed the proposed Project to be resilient to the effects of sea level rise and storm surge. The Terminal facility is designed to withstand a 500-year storm, accounting for sea level rise. This facility will be located in the Port of Brownsville, an area of planned industrial development. The Terminal will not impede coastal Texas protection and restoration efforts designed to increase resiliency of the Texas coast. The majority of the Pipeline System is located outside of the coastal management zone. The Pipeline System’s parallel pipelines will be buried for their entire length and would unlikely affect any planned coastal Texas protection and restoration efforts.</p> <p>RG Developers have submitted the Coastal Management Program Consistency Statement (April 12, 2018, Revision 2) to the Railroad Commission of Texas (RRC) and will not be able to initiate construction of the Project until RRC determines that the Project is consistent with the laws and rules of the Texas Coastal Zone Management Program.</p>	John Young
Alternative Analysis for the siting of facilities	<p>Section 2 of both the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018) and the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018) submitted to the United States Army Corps of Engineers (USACE) contains an alternatives analysis for each project component. This alternatives analysis was based on the alternatives analysis conducted by the RG Developers and FERC as part of the National Environmental Policy Act (NEPA) review process for the project. The alternatives analysis took into consideration multiple factors including land availability, distance to populated areas, sensitive biological habitats, proximity to sensitive biological species, road access, and lease duration.</p> <p>The alternatives analysis conducted by FERC was presented in the October 2018 Draft Environmental Impact Statement (FERC Docket Accession Number 20181012-3019). The alternatives analysis conducted by the RG Developers was submitted to FERC in Resource Report 10: Alternatives of the March 2016 Application (FERC Docket Accession Number 20160505-5179) and in a subsequent supplement to Resource Report 10 (FERC Docket Accession Number 20160630-5259).</p>	John Young
Efforts to protect culturally and historically important artifacts/resources	<p>Both the Rio Grande LNG Terminal and the Rio Bravo Pipeline are subject to Section 106 of the National Historic Preservation Act (NHPA), as amended. In addition to complying with Section 106 and its implementing regulations (36 Code of Federal Regulations [CFR] 800, Protection of Historic Properties), all cultural resources investigations for the Project have been conducted in accordance with 18 CFR 380 (FERC’s regulations implementing NEPA), FERC’s Office of Energy Project’s Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects (2002), the Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation (48 CFR 44716, September 29, 1983), and the Antiquities Code of Texas (ACT) (Title 9, Texas Natural Resource Code, Chapter 191). Since the Terminal site and a portion of the Pipeline System are located on land owned by the Brownsville Navigation District (BND), a political subdivision of the state of Texas, compliance is required under the ACT to evaluate direct project effects on State Antiquities Landmarks (SALs). Section 8 in both the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018) and the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018) that were submitted to the USACE provide a summary of the cultural resource investigations conducted for both projects, as well as a summary of consultation with the Texas State Historic Preservation Office (SHPO). Additional information is provided in Resource Report 4: Cultural Resources of the March 2016 Application (FERC Docket Accession Number 20160505-5179). The cultural resource impact assessment conducted by the FERC was presented in the October 2018 Draft Environmental Impact Statement (FERC Docket Accession Number 20181012-3019).</p> <p>All cultural resource surveys for the Project have been conducted by Texas-based archaeologists who understand the complexities of the archaeological record in South Texas, while aboveground surveys have employed the talents of local architectural historians who are skilled in the identification of the region’s unique historic built environment and sensitive landscapes. Great care has been given to the analysis of all field data to ensure that state, federal, and tribal regulatory requirements were met or exceeded. Concurrence from these agencies is a testimony to this extensive work. Beyond the initial cultural resource surveys, to further the protection of cultural resources within the Project’s area of potential effect (APE), RG Developers have developed an Unanticipated Discovery Plan (UDP) that meets the requirements of the Texas Historical Commission and the Texas Archaeological Society.</p>	John Young
Recap consultation, if any, with Union Pacific Railroad regarding the RB Pipeline System crossing of the railroad near milepost 70	RG Developers are consulting with Union Pacific Railroad regarding the crossing of their railroad near milepost 70. Pipelines routinely cross railroads safely and RG Developers will coordinate with Union Pacific Railroad on specific crossing construction procedures.	John Young

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How would RGLNG mitigate impacts, if any, to flood prevention and flood control that would result from filling wetlands at the project site? Will proposed wetland mitigation at the Loma Ecological Preserve reduce impacts, if any, to flood prevention and flood control that would result from Terminal construction	During the operational life of the Terminal, the stormwater levee will preclude the inflow of flood water. At its current, pre-construction elevations, the area that would be within the containment levee would hold approximately 163 million cubic feet of flood water during a 100-year event with a base flood elevation of +10.7 feet NAVD88 and approximately 225 million cubic feet during a 500-year event with a base flood elevation of +13.5 feet NAVD88. During a 100-year event, this lost flood storage capacity would result in a flood level rise of approximately 0.7 inch across the contiguous 100-year flood hazard zone within five miles of the levee boundary; the flood level rise during a 500-year event would be approximately 0.9 inch over the same 5-mile area. Given that this 5-mile buffer does not include the entire length of the Brownsville Ship Channel or the entirety of the floodplains in the region that cover hundreds of square miles, these estimates of flood level rise due to lost storage capacity at the Terminal are conservative. Based on an estimated flood level rise of less than one inch, RG Developers have determined that operation of the Terminal would not appreciably increase flooding potential in the region.	John Young
Review GNEB's September 2017 18th Report, "Environmental Quality and Security: A 10-Year Retrospective" to see how it relates to the RGLNG and RB pipeline projects	RG Developers reviewed the Environmental Quality and Border Security: A 10-Year Retrospective issued by the Good Neighbor Environmental Board (GNEB) in September 2017. While the document provides a summary of the environmental issues in the border region, the recommendations are focused on infrastructure related to a border wall or other border security measures. Of note, this document provides recommendations for minimizing unintended impacts to environmental resources should the Department of Homeland Security waive environmental review requirements (Section 404 of the Clean Water Act, the Endangered Species Act, Coastal Zone Consistency Act, etc.) to quickly facilitate construction of border security fencing or other border security measures. The proposed Rio Grande LNG Terminal and the Rio Bravo Pipeline System are subject to all applicable laws designed to protect natural resources. As such, the Project is subject to the review processes of the United States Army Corps of Engineers (USACE), United States Fish and Wildlife Service (USFWS), Environmental Protection Agency (EPA), FERC, Texas Parks and Wildlife Department (TPWD), RRC, as well as other resource agencies. RG Developers are currently working through the permitting and consultation processes for each of these agencies to ensure that the proposed Project complies with all applicable laws and regulations that have been put into place to protect water quality and natural resources.	John Young
RGLNG should provide a clear purpose for the project	Section 1 in both the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018) and the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018) submitted to the USACE provide a summary of the purpose and need for both projects. FERC's interpretation of the purpose and need was presented in Section 1 of the October 2018 Draft Environmental Impact Statement (FERC Docket Accession Number 20181012-3019). The complete purpose and need developed by the RG Developers was submitted to FERC in Resource Report 1: General Project Description of the March 2016 Application (FERC Docket Accession Number 20160505-5179).	Kenneth Teague
RGLNG and RB Pipeline should demonstrate clearly that the 404(b)(1) Guidelines (Clean Water Act) have been met. Provide minimization and avoidance measures	Section 10 in both the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018) and the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018) submitted to the USACE contains a Section 404(b)(1) analysis for each project and illustrates how the projects are compliant with Section 404(b)(1) of the Clean Water Act. The Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018) and the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018) submitted to the USACE detail avoidance and minimization measures RG Developers have implemented to minimize impacts to wetlands.	Kenneth Teague, Defenders of Wildlife, Sierra Club, Save RGV from LNG, Vecinos para el Bienestar de la Comunidad Costera, and Shrimpers and Fisherman of the RGV
The proposed project will fill a significant area of shallow water habitat, part of the Vadia Ancha system. This represents a significant impact but is not even mentioned in the PN	Section 6 in the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018) that was submitted to the USACE presents the Project-related impacts to surface waters that would occur as a result of the Project, including impacts to the Vadia Ancha system.	Kenneth Teague
The applicant has not demonstrated that they have properly evaluated whether water quality criteria would be met at the effluent discharge from proposed upland confined disposal facilities. The Upland Testing Manual explains how to do this properly	The upland confined disposal facilities are maintained by the USACE and the Port of Brownsville. The USACE has developed a Sediment Testing Protocol for evaluating non-Federal sediment prior to disposal into Federal dredge material placement areas. RG Developers have developed a Sampling and Analysis Plan in accordance with the USACE's Sampling and Analysis Plan Protocols. The USACE has approved the plan. The results of the sample testing will be provided to the USACE to ensure that the proposed dredge material meets the USACE requirements for upland disposal.	Kenneth Teague
Restoration of temporary wetland and stream impacts associated with the Pipeline System and mitigation for temporal impacts	RG Developers would initiate restoration activities as soon as backfilling activities are completed along the pipeline route. RG Developers will restore all affected wetlands, post-construction, by returning the pre-construction contours in compliance with the Project-Specific Plan and Procedures and the conditions of the USACE Department of the Army permit. Construction of the Pipeline System will not result in any permanent impacts to wetlands. Conversion impacts of woody wetlands along the pipeline route will be mitigated for at the Loma Ecological Preserve (LEP). The Project-Specific Plan and Procedures are included in Appendix D of the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018).	Kenneth Teague

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Justification for using preservation as mitigation	<p>In 2017, RG Developers conducted an extensive mitigation alternatives analysis to supplement the original July 2016 Conceptual Mitigation Plan for the Rio Grande LNG Project to determine the best alternative to compensate for project-related wetland impacts. The analysis was included as Appendix E of the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018). The mitigation alternatives analysis followed the hierarchical approach presented in the 2008 Compensatory Mitigation Rule (33 CFR Part 332) and evaluated the feasibility of alternative mitigation options in the watershed within which the Terminal is located. Based on this analysis, preservation of the LEP was identified as the preferred mitigation alternative.</p> <p>The Mitigation Rule defines preservation as the removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. Furthermore, the regulation states that preservation may be used as compensatory mitigation when 1) the resources to be preserved provide important physical, chemical, or biological functions for the watershed; and 2) the resources to be preserved contribute significantly to the ecological sustainability of the watershed.</p> <p>By way of example, the USACE determined preservation of a portion of the LEP was the appropriate compensatory mitigation strategy to offset the permanent wetland impacts resulting from the development of the SpaceX Launch Site, which is located approximately 5 miles away from the Terminal Site, and therefore, impacts similar types of wetlands to those on the Terminal Site. The USACE in their Environmental Assessment and Statement of Findings for Permit Number SWG-2012-00381 (2014) concluded “<i>that SpaceX has sufficiently demonstrated that the preferred methods and types of compensatory mitigation are not available for the proposed impacts and that sufficient information has been provided to indicate that the preservation site is high quality and under risk of adverse threat from ongoing port operations and future port construction. Therefore, the Corps concludes that the purchase of the preservation site from the Port of Brownsville and conveyance to the USFWS is appropriate and practicable to provide compensatory mitigation for project (SpaceX) impacts.</i>”</p> <p>Preservation of the LEP is consistent with the goals and objectives of the State of Texas and the Interagency Partners. For example, Texas Trustee Implementation Group (Texas TIG) stated in the 2017 Final Restoration Plan/Environmental Assessment: Restoration of Wetlands, Coastal, and Nearshore Habitats; and Oysters that “<i>Habitat preservation is sometimes more effective than restoration at providing high quality natural habitat as other options such as habitat construction require a significant period of time to mature, provide a full suite of services, and reach the same level of services provided by existing natural systems.</i>” Based on this justification the Texas TIG selected the Laguna Atascosa Habitat Acquisition and the Bahia Grande Coastal Corridor Habitat Acquisition as coastal restoration projects for the Bahia Grande watershed included. Preservation as a conservation strategy in the region is also supported by Arroyo Colorado Watershed Partnership (2007), Texas Parks and Wildlife Department (TPWD) (2006), USFWS (1999), the National Research Council (2001), and the Texas General Land Office (2017).</p> <p>RG Developers are in the process of revising this analysis based on agency consultation and comments received during the public notice period. The updated mitigation alternatives analysis will be included in the final mitigation plan. The updated mitigation alternatives analysis and the final mitigation plan are being developed in close consultation with USACE, USFWS, and other resource agencies to determine the most ecologically desirable mitigation opportunities.</p>	Kenneth Teague, Patrick Anderson, Defenders of Wildlife, Sierra Club, Save RGV from LNG, Vecinos para el Bienestar de la Comunidad Costera, and Shrimpers and Fisherman of the RGV
Mitigation for shallow open water impacts	All project-related impacts to waters of the U.S. are documented in the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018) and the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018) and will be mitigated appropriately based on the permit conditions. Details of RG Developers’ proposed mitigation will be provided in the final mitigation plan.	Kenneth Teague, Patrick Anderson
Requesting additional information the specific details of the preservation of the Loma Ecological Preserve including proposed mitigation ratio	RG Developers currently are drafting the final mitigation plan that will include a comprehensive compensatory mitigation plan at a level of detail commensurate with the scale and scope of the impacts for all unavoidable impacts. The final mitigation plan will identify the mitigation ratio and the specific type and quantity of habitats of the LEP that will be preserved in perpetuity. RG Developers will continue to coordinate with the USACE and other agencies to discuss adaptive management of the Loma Ecological Preserve preservation project, to ensure that proposed management strategy will provide the most efficient and beneficial use of funds and government agency resources.	Patrick Anderson, Defenders of Wildlife, Center for Biological Diversity, Laura Steinberg, Sierra Club, Save RGV from LNG, Vecinos para el Bienestar de la Comunidad Costera, and Shrimpers and Fisherman of the RGV
Justify mitigating through preservation in an area that is currently set aside for conservation	USFWS’s lease on the LEP expires in 2023 at which time the land will revert to the Port of Brownsville. The Brownsville Navigation District (BND) issued the lease to USFWS as mitigation for a project that was never constructed. Since the BND project was never constructed, the LEP lease did not serve as mitigation for the original BND project. The BND has a mandate to develop the lands within the Port boundary to facilitate the mission of the Port. This mandate was supported by BND’s letter filed to FERC (FERC Docket Accession Number 20170508-0024), that stated that the BND will continue to evaluate the development of the Loma Ecological Preserve, as it does with all land holdings. The BND has already demonstrated the ability and willingness to develop the LEP by terminating a portion of the lease with USFWS to support other industrial development. Therefore, the proposed mitigation preserves the area in perpetuity.	Patrick Anderson, Defenders of Wildlife, Sierra Club, Save RGV from LNG, Vecinos para el Bienestar de la Comunidad Costera, and Shrimpers and Fisherman of the RGV

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Show compliance with the Clean Water Act, the Endangered Species Act, and the National Environmental Policy Act	<p>RG Developers are:</p> <ul style="list-style-type: none">• Currently seeking authorization to construct the proposed project from the USACE through the Section 404 of the Clean Water Act (and Section 10 of the Rivers and Harbors Act) permitting process;• Participating in consultation with the USFWS pursuant to the Endangered Species Act; and• Participating in the NEPA Environmental Impact Statement being prepared by FERC, as the lead agency, as well as several additional cooperating agencies. <p>RG Developers—like any other natural gas infrastructure developer subject to FERC’s jurisdiction—will not be authorized to commence construction of either the LNG Terminal or related pipeline until all authorizations required pursuant to federal law are in place.</p>	Defenders of Wildlife, Sierra Club, Save RGV from LNG, Vecinos para el Bienestar de la Comunidad Costera, and Shrimpers and Fisherman of the RGV
Provide the short-term and long-term effects of the discharge of dredge or fill activities, as well as compliance or non-compliance with the restrictions on discharge	All project-related impacts to waters of the U.S. are documented in the Federal Dredge and Fill Application for the Rio Grande LNG Project (Revision 1, April 2018) and the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018). RG Developers’ proposed activities, including discharges, will comply with all applicable permits and regulations.	Defenders of Wildlife
Analyze impacts on the ocelot and evaluate proposed mitigation to ensure that it adequately ensures that loss of habitat and other effects (e.g. noise and lights) are adequately mitigated. Disclose and evaluate the cumulative effects of the three LNG Projects to determine likelihood of jeopardizing the ocelot via destruction of habitat and corridors	<p>RG Developers conducted an analysis of impacts to the ocelot that is included in Resource Report 3: Fish, Wildlife, and Vegetation of the March 2016 Application (FERC Docket Accession Number 20160505-5179). RG Developers conducted a cumulative impact assessment for the ocelot, which is included as Appendix 1.Q of Resource Report 1: General Project Description of the March 2016 Application (FERC Docket Accession Number 20160505-5179). The impact analysis and cumulative analysis conducted by FERC were presented in the October 2018 Draft Environmental Impact Statement (FERC Docket Accession Number 20181012-3019).</p> <p>FERC determined that the project-related impacts may adversely affect the ocelot and cumulative impact associated with the proposed project added to impacts associated with past, present, and reasonably foreseeable future projects would significantly affect the ocelot. Additionally, FERC’s biological assessment determined that the proposed project may affect and is likely to adversely affect the ocelot. The USFWS concurred with FERC’s effect determination in a letter dated November 28, 2018. Therefore, FERC will initiate formal Section 7 consultation with the USFWS pursuant to the Endangered Species Act.</p> <p>The RG Developers have proposed multiple mitigation measures for use during construction and operation of the proposed Project to minimize impacts on ocelots. These measures include siting the Project to avoid direct impacts on habitats designated or managed for the protection of ocelots, as well as implementation of the Project-Specific Plan and Procedures, Noxious and Invasive Weed Plan, and SPCC Plans. The Project-Specific Plan and Procedures are included in Appendix D of the Federal Dredge and Fill Application for the Rio Bravo Pipeline Project (Revision 1, May 2018), the Noxious and Invasive Weed Plan is Appendix 3.B of Resource Report 3: Fish, Wildlife, and of the Vegetation of the March 2016 Application (FERC Docket Accession Number 20160505-5179), and the SPCC Plan was submitted to the FERC Docket (Accession Number 20160901-5281).</p> <p>In addition to these measures, FERC recommended in the DEIS that, prior to construction of the LNG Terminal, RG Developers should consult with the USFWS to determine the likelihood for ocelots to use land in the lower Laguna Atascosa NWR that is within 1 mile of the LNG Terminal site, develop a plan to mitigate for a decrease in the quality of potential habitat within the NWR, and finalize the proposed mitigation for direct loss of potential habitat within the LNG Terminal site in a manner that adheres to the Final Recovery Plan for the ocelot. RG Developers continue to consult with FERC and the USFWS to minimize and mitigate project-related impacts to the ocelot and finalize proposed mitigation to ensure the project will not jeopardize the continued existence of the ocelot.</p>	Defenders of Wildlife
Determine whether mitigation is necessary to offset the loss of feeding habitat for Piping plover and red knot	RG Developers conducted an analysis of impacts for piping plover and red knot that is included in Resource Report 3: Fish, Wildlife, and Vegetation of the March 2016 Application (FERC Docket Accession Number 20160505-5179). The impact analysis conducted by FERC was presented in the October 2018 Draft Environmental Impact Statement (FERC Docket Accession Number 20181012-3019). In the DEIS, FERC determined the project-related noise may adversely affect the piping plover, but the project would not likely adversely affect the red knot. In a letter dated November 28, 2018, the USFWS disagreed with FERC and recommended a a lower effect determination of “may affect, not likely to adversely affect” the piping plover. In the same letter, the USFWS concurred with the FERC effect determination of “may affect, not likely to adversely affect” for the red knot. Since the project would not adversely affect the piping plover or the red knot, RG Developers have not proposed species-specific mitigation measures to mitigate potential impacts to these species. However, RG Developers’ proposed wetland mitigation would include the protection of extensive areas of habitat types that are frequently utilized by these species, including critical habitat for the piping plover.	Defenders of Wildlife

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Provide an evaluation of mitigation measures necessary for sea turtles	<p>RG Developers conducted an analysis of impacts to sea turtles that is included in Resource Report 3: Fish, Wildlife, and Vegetation of the March 2016 Application (FERC Docket Accession Number 20160505-5179). The impact analysis conducted by FERC was presented in the October 2018 Draft Environmental Impact Statement (FERC Docket Accession Number 20181012-3019). RG Developers propose the following mitigation measures to minimize the potential of impacts to sea turtles:</p> <ul style="list-style-type: none">• RG LNG’s support vessels would adhere to the measures outlined in the National Marine Fisheries Service (NMFS) Vessel Strike Avoidance Measures and Reporting for Mariners (revised February 2008); RG LNG also would request that operators of LNG carriers and associated tugs calling on the LNG Terminal follow these procedures, but could not enforce their use;• RG LNG has modified its original construction plans to minimize the need for in-water pile-driving, such that only four traditional steel or concrete piles (via impact hammer) and one area of sheet piling (via vibratory hammer) would be installed in-water, which minimizes the potential for noise impacts to sea turtles;• RG LNG would reduce impacts on sea turtles from in-water activities by employing a dedicated biologist with stop-work authority that would monitor for species presence prior to pile-driving activities and during pile-driving and dredging activities, which would include maintenance dredging during operations;• The monitors would implement NMFS’ Sea Turtle and Smalltooth Sawfish Construction Conditions, including,<ul style="list-style-type: none">○ Instruct all construction personnel to observe for sea turtles during in-water construction;○ Siltation barriers, as needed, be properly secured and monitored to protect entrapment of sea turtles;○ Construction vessels operate at “no wake/idle” speeds while in the construction area where there is less than four feet of clearance between the vessel draft and the channel bottom;○ Appropriate precautions are implemented if a sea turtle is seen within 300 feet of construction/dredging operation or vessel movement; and○ Operation of moving equipment would cease if a sea turtle is within 50 feet of the equipment, allowing the sea turtle to leave the area of its own accord before restarting operations.• RG LNG would also implement measures for reporting any observations of sea turtles congregating near outfalls at the LNG Terminal and, in accordance with the vessel strike guidance noted above, would report sightings of dead or injured sea turtles, whether or not they were related to construction and operation of the Project. <p>With adherence to the mitigation measures identified above, FERC determined that the Project is not likely to adversely affect sea turtles in the marine environment. In addition, FERC determined that there would be no effect on sea turtles located on nesting beaches, given the lack of known nesting beaches within the Brownsville Ship Channel. FERC determined that there would be no adverse effect on designated critical habitat for any species of sea turtle.</p>	Defenders of Wildlife
Neither FERC nor the Corps have completed consultation or obtained biological opinions from the Services, thus inhibiting the public’s ability to effectively comment on the DEIS	<p>This is common for a project of this nature. FERC has the authority to issue conditional authorizations that are tied to the issuance of required approvals from and completion of required consultations with cooperating agencies. RG Developers conducted a thorough assessment of species that could be affected by the project, as well as, an assessment of project-related impacts, which are provided in Resource Report 3: Fish, Wildlife, and Vegetation of the March 2016 Application (FERC Docket Accession Number 20160505-5179). Additionally, FERC conducted a thorough assessment of project-related impacts to species, which is presented in the October 2018 Draft Environmental Impact Statement (FERC Docket Accession Number 20181012-3019). The assessments conducted by RG Developers and the FERC were conducted in consultation with the USFWS and TWPD, as well as other resource agencies. The efforts by RG Developers and FERC to identify species that could be affected by the project and the thorough review of the nature and degree of project-related impacts is more than sufficient to allow the public to effectively comment on the DEIS. Additionally, FERC’s DEIS has a condition that states that RG Developers should not begin construction activities until:</p> <ol style="list-style-type: none">a. FERC staff receives comments from the USFWS and NMFS regarding the proposed action;b. FERC staff completes ESA Section 7 consultation with the USFWS and NMFS; andc. RG Developers have received written notification from the Director of Office of Energy Projects that construction or use of mitigation may begin. <p>RG Developers—like any other natural gas infrastructure developer subject to FERC’s jurisdiction—will not be authorized to commence construction of either the LNG Terminal or related pipeline until all required authorizations are in place.</p>	Defenders of Wildlife
Illustrate how the proposed mitigation meets the goal of “no net loss” of wetland acreage or function	<p>The 2008 Compensatory Mitigation Rule (33 CFR Part 332) states that “compensatory mitigation involves actions taken to offset unavoidable adverse impacts to wetlands, streams and other aquatic resources authorized by Clean Water Act section 404 permits and other Department of the Army permits.” It goes on to state that “As such, compensatory mitigation is a critical tool in helping the federal government to meet the longstanding national goal of “no net loss” of wetland acreage and function.” While “no net loss” of wetlands is a long-standing national goal, it is not a regulatory requirement.</p> <p>The 2008 Compensatory Mitigation Rule explicitly allows mitigation through preservation when certain criterion are met. The 2008 Compensatory Mitigation Rule defines preservation as the removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions. The regulation goes on to explain that preservation may be used to provide compensatory mitigation for activities authorized when: 1) the resources to be preserved provide important physical, chemical, or biological functions for the watershed; and 2) the resources to be preserved contribute significantly to the ecological sustainability of the watershed. The regulations for preservation neither require that a threat be imminent or unregulated to be considered for preservation nor do they</p>	Defenders of Wildlife, Center for Biological Diversity

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	<p>require the USACE district engineer rank alternative compensatory mitigation sites based on threat. Preservation, when appropriate, may be selected if the resources to be preserved contribute significantly to the ecological sustainability of the watershed and may be subject to degradation by an action in or near those resources.</p> <p>By way of example, following the 2008 Compensatory Mitigation Rule, the USACE determined preservation of a portion of the LEP was the appropriate compensatory mitigation strategy to offset the permanent wetland impacts resulting from the development of the SpaceX Launch Site, which is located approximately 5 miles away from the Terminal Site, and therefore, impacts similar types of wetlands to those on the Terminal Site. The USACE in their Environmental Assessment and Statement of Findings for Permit Number SWG-2012-00381 (2014) concluded “<i>that SpaceX has sufficiently demonstrated that the preferred methods and types of compensatory mitigation are not available for the proposed impacts and that sufficient information has been provided to indicate that the preservation site is high quality and under risk of adverse threat from ongoing port operations and future port construction. Therefore, the Corps concludes that the purchase of the preservation site from the Port of Brownsville and conveyance to the USFWS is appropriate and practicable to provide compensatory mitigation for project (SpaceX) impacts.</i>”</p>	
Provide justification for why onsite wetland mitigation is not an option	<p>RG Developers initially proposed onsite wetland mitigation measures and proposed that these measures would be maintained for the lifetime of RG Developers’ lease. During the March 7, 2017, Joint Evaluation Meeting (JEM) with the (USACE, USFWS, TPWD, EPA, and other resource agencies, the EPA stated that the on-site wetland mitigation could not satisfy the 2008 Compensatory Mitigation Rule (33 CFR Part 332) unless the mitigation would be preserved in perpetuity. Since RG Developers’ lease terms would not allow the mitigation to be preserved in perpetuity, RG Developers withdrew the on-site mitigation measures from consideration. RG Developers’ statement that it is unable to lease the Project site for a term of more than 50 years is consistent with the leasing policies of the BND. Ultimately, it is within the discretion of the BND, not RG Developers, to determine the parcels of land for which it is willing to negotiate a conservation easement based on its commercial goals and needs. Based on the lease rates set forth in BND’s leasing policies, it appears that sites designated for industrial development with access to the ship channel or access to the highway are premium locations as compared to more remote locations without such access. RG Developers are, and remain committed to, working with the USACE, USFWS, and TPWD to determine what mitigation will be the most beneficial in the long term.</p>	Sierra Club, Save RGV from LNG, Vecinos para el Bienestar de la Comunidad Costera, and Shrimpers and Fisherman of the RGV
Provide justification for why the Loma Ecological Preserve is under threat	<p>By way of example, following the 2008 Compensatory Mitigation Rule, the USACE determined preservation of a portion of the LEP was the appropriate compensatory mitigation strategy to offset the permanent wetland impacts resulting from the development of the SpaceX Launch Site, which is located approximately 5 miles away from the Terminal Site, and therefore, impacts similar types of wetlands to those on the Terminal Site. The USACE in their Environmental Assessment and Statement of Findings for Permit Number SWG-2012-00381 (2014) concluded “<i>that SpaceX has sufficiently demonstrated that the preferred methods and types of compensatory mitigation are not available for the proposed impacts and that sufficient information has been provided to indicate that the preservation site is high quality and under risk of adverse threat from ongoing port operations and future port construction. Therefore, the Corps concludes that the purchase of the preservation site from the Port of Brownsville and conveyance to the USFWS is appropriate and practicable to provide compensatory mitigation for project (SpaceX) impacts.</i>”</p> <p>Additionally, the USACE Environmental Assessment and Statement of Findings for Permit Number SWG-2012-00381 (2014) states that “<i>The proposed [SpaceX] preservation site [the LEP] is an unvegetated tidal flat with coastal prairie uplands and lomas which is owned by the Port of Brownsville and leased under authority of Public Law 103-232 by the USFWS until 2023. In addition to the lease, the USFWS’s December 2013 Fish and Wildlife Coordination Act – Coordination Act Report for the Brazos Island Harbor, TX Channel Improvement Project for a proposed Port of Brownsville expansion project states that the unvegetated tidal flats, which are also in some of the adjacent areas designated piping plover critical habitat, coastal prairie, and vegetated lomas owned by the Port of Brownsville are of special importance to the Service’s trust species. The USFWS further explains in the report that these important areas are a significant feature of the Laguna Madre system and [the USFWS] expressed concern in the report that as the port grows, new and expanded facilities at the port could cause additional pressure on these habitats.</i>”</p> <p>In a letter dated April 25, 2017, the BND indicated to FERC that the BND “<i>has a legal charge to use its assets to promote maritime commerce (in a fiscally and environmentally responsible manner). Therefore, the [BND] considers all its lands to be at lease potentially available for long-term lease. The development of those lands, virtually all of which have some environmental significance, require cooperation with the state and federal environmental regulatory agencies.</i>” The letter goes on to state that the BND “<i>do not know at what point the economic needs of the region and the increasing shortage of developable land might bring the Loma Ecological Preserve into play as a development site. It is certainly possible, indeed likely, that at some point in the future a project that would bring substantial economic benefits to the region would look to [the LEP] as a possible site.</i>”</p> <p>Based on the USACE and USFWS assessment of the trends in the area and the BND’s letter stating its intent for the LEP, RG Developers believe the proposed mitigation site is under threat of development or decline as a result of adjacent development.</p>	Sierra Club, Save RGV from LNG, Vecinos para el Bienestar de la Comunidad Costera, and Shrimpers and Fisherman of the RGV

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